

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:20-cv-00551-MR**

DERRICK DANYELL BOGER,

Plaintiff,

vs.

**ANDREW SAUL,
Commissioner of Social Security,**

Defendant.

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SEALED ORDER

THIS MATTER is before the Court on the Plaintiff's Amended Application to Proceed in District Court without Prepaying Fees or Costs [Doc. 4].

On October 2, 2020, the Plaintiff filed an Application seeking to proceed with this civil action without having to prepay the costs associated with prosecuting the matter. [Doc. 1]. In that Application, the Plaintiff stated that he has no income, savings or assets. The Plaintiff did not identify monthly expenses, stating that only that he "live[s] with [his] uncle who covers all living expenses." [Doc. 2 at 4]. However, the Plaintiff did not identify any of his expenses or how much his relative spends in covering such expenses.

Based on the Plaintiff's representations, the Court was unable to determine whether the Plaintiff has sufficient resources from which to pay the filing fee for this action and thus denied the Application without prejudice. [Doc. 3].

The Plaintiff has now filed an Amended Application. [Doc. 4]. In this amended filing, the Plaintiff again states that he has no income, savings or assets. The Plaintiff again states that he has no expenses, stating instead that he "live[s] with a family member who provides shelter and food." [Doc. 4 at 5].

The Plaintiff's Amended Application provides no more information than his original Application did. While the Plaintiff claims to have "no expenses," he clearly has someone providing him with food and shelter, which are expenses. And to have those expenses covered by someone constitutes an "income source," even if it is just a gift. The IFP application process requires a plaintiff to disclose both the amount of the income he receives and the amount of his expenses. This the Plaintiff has not done. Nevertheless, it appears evident from the information provided that the Plaintiff does not have sufficient assets with which to pay the filing fee in this action. Therefore, the Court will allow the application. In future cases, however, counsel for the

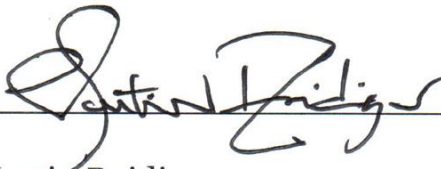
Plaintiff is admonished to provide a more detailed and accurate explanation of his clients' financial status.

IT IS, THEREFORE, ORDERED that the Plaintiff's Amended Application [Doc. 4] is **GRANTED**, and the Plaintiff shall be allowed to proceed without prepayment of the filing fee or giving security therefor.

IT IS FURTHER ORDERED as follows:

- (1) Plaintiff's counsel shall prepare summonses for all appropriate parties and submit the summons to the Clerk via Cyberclerk within seven (7) days of entry of this Order;
- (2) Upon receipt of the summons, the Clerk shall deliver process to the United States Marshal for service; and
- (3) The United States Marshal shall serve process upon the Defendant at the expense of the United States Government. Although the United States Marshal shall serve process in this action, it remains the responsibility of counsel to make sure that process is effected.

IT IS SO ORDERED. Signed: October 9, 2020



Martin Reidinger
Chief United States District Judge

